

**REMARKS**

A new abstract is submitted herewith.

Claims 1-25 stand in this application. Claims 1, 2, 4, 5, 7, 9, 11-22, 24, and 25 have been amended. No new matter has been added. Favorable reconsideration and allowance of the standing claims are respectfully requested

At page 2 of the Office Action reference is made to the proper language and format of an abstract. Applicant submits herewith a new abstract of the disclosure. The new abstract is attached at the end of this paper.

At page 2 of the Office Action claims 1, 2, and 25 stand objected to for various informalities. Applicant has amended these claims to address the informalities and respectfully requests withdrawal of the objection with respect thereto.

At page 2, paragraph 2 of the Office Action claims 1-8 and 10-25 stand rejected under 35 U.S.C. § 102(e) as being anticipated by United States Patent Number (USPN) 6,650,641 to Albert et al. ("Albert"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the anticipation rejection.

Applicant respectfully submits that to anticipate a claim under 35 U.S.C. § 102(e), the cited reference must teach every element of the claim. See MPEP § 2131, for example. Applicant submits that Albert fails to teach each and every element recited in claims 1-8 and 10-25 and thus they define over Albert. For example, with respect to claim 1, Albert fails to teach, among other things, the following language:

a device coupled between a client and a server, the device having a configuration, the device to receive a content based message via one or more received packets and to process the content based message only if the received

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packets have one or more fields comprising application data, wherein the content of the application data in the one or more fields matches the configuration of the device....

According the Office Action, this language is disclosed in Albert at col. 15, lines 44-47.

Furthermore, the Office Action states that "the device having a configuration" is equivalent to the "fixed or wildcard affinities" disclosed in Albert. Applicant respectfully disagrees. Albert at the given cite, in relevant part, states that:

Once the forwarding agents have received fixed affinities, packets intercepted that match a fixed affinity are processed as instructed in the set of actions specified in the fixed affinity.

In contrast, the claimed subject matter is generally directed "to process the content based message only if the received packets have one or more fields comprising application data, wherein the content of the application data in the one or more fields matches the configuration of the device." The wildcard and fixed affinities disclosed in Albert are not "fields comprising application data." Rather, Albert discloses that a fixed affinity matches one flow through a network as defined by an affinity key. According to Albert, an affinity key is defined as a unique 5-tuple that spans the "packet headers." (See Albert at FIG. 6, col. 16, lines 6-19, for example.) Albert defines a wildcard affinity as including elements of an affinity key plus source and destination netmasks. (See Albert at col. 17, lines 6-16, for example.) Also, with reference to FIGs. 6 and 7 showing diagrams of fixed and wildcard affinities, it is clear that these affinities represent information contained in "packet headers" and do not represent "content of the application data in the one or more fields," as recited in claim 1. Application data is contained in a body portion of a message, which follows the message header information.

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Thus, according to claim 1, for example, the "device coupled between a client and a server" is configured "to receive a content based message" and "to process the content based message only if the received packets have one or more fields comprising application data, wherein the content of the application data in the one or more fields matches the configuration of the device." Thus, the device recited in claim 1 forwards the content based message based on the contents of the "application data" and not on the content of "packet headers" such as the fixed or wildcard affinities disclosed in Albert. Consequently, Albert fails to disclose all the elements or features of the claimed subject matter. Accordingly, at least on this basis, Applicant respectfully requests removal of the anticipation rejection with respect to claim 1, and claims 2-4 that depend therefrom. Furthermore, Applicant respectfully submits that claims 2-4 that depend from claim 1 each contain additional features that further distinguish the claims from Albert.

Claims 5, 18, 21, and 24 are amended to recite features similar to those recited in claim 1. Therefore, for reasons analogous to those discussed above with respect to claim 1, Applicant respectfully submits that claims 5, 18, 21, and 24, and all claims directly or indirectly depending therefrom, are not anticipated by and are patentable over Albert.

Accordingly, Applicant respectfully requests removal of the anticipation rejection with respect to claims 1-8 and 10-25.

At page 6, paragraph 21 of the Office Action claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Albert in view of USPN 6,430,624 to Jamtgaard et al. ("Jamtgaard"). Applicant respectfully traverses the rejection, and requests reconsideration and withdrawal of the obviousness rejection.

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The Office Action has failed to meet its burden of establishing a *prima facie* case of obviousness. According to MPEP § 2143, three basic criteria must be met to establish a *prima facie* case of obviousness. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 706.02(j).

As recited above, to form a proper *prima facie* case of obviousness under 35 U.S.C § 103(a) the cited references, when combined, must teach or suggest every element of the claim. See MPEP § 2143.03, for example. Applicant respectfully submits that the Office Action has not established a *prima facie* case of obviousness because the cited references, taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9. Therefore claim 9 defines over Albert in view of Jamtgaard whether taken alone or in combination. For example, claim 9 depends from claim 5. Claim 5 recites the following language, in relevant part:

devices to receive a content based message via one or more received packets and to process the content based message only if the received packets have one or more fields comprising application data, wherein the content of the application data in the one or more fields matches the configuration of the devices....

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As indicated previously, Albert fails to disclose this feature. The combination of Jamtgaard and Albert fails to overcome the shortcomings of Albert alone. Therefore, Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 5. Thus, because claim 9 depends from 5, it follows that Albert and Jamtgaard, whether taken alone or in combination, fail to disclose, teach or suggest every element recited in claim 9.

Therefore, at least on this basis, Applicant submits that claim 9 is non-obvious and represents patentable subject matter in view of Albert and Jamtgaard, whether taken alone or in combination. Accordingly, Applicant respectfully requests removal of the obviousness rejection with respect to claim 9.

For at least these reasons, Applicant submits that claims 1-25 recite novel features not shown by the cited references. Further, Applicant submits that claims 1-25 recite novel and non-obvious features and provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

Applicant does not otherwise concede, however, the correctness of the Office Action's rejection with respect to any of the dependent claims discussed above. Accordingly, Applicant hereby reserves the right to make additional arguments as may be necessary to further distinguish the dependent claims from the cited references, taken alone or in combination, based on additional features contained in the dependent claims that were not discussed above. A detailed discussion of these differences is believed to be unnecessary at this time in view of the basic differences in the independent claims pointed out above.

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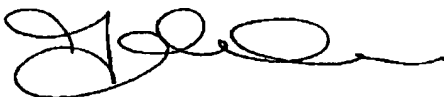
It is believed that claims 1-25 are now in allowable form. Accordingly, Applicant respectfully requests a timely Notice of Allowance with respect thereto.

The Examiner is invited to contact the undersigned at 724-933-3387 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



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John F. Kacvinsky, Reg. No. 40,040  
Under 37 CFR 1.34(a)

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at:

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Rachael Brown

6/17/05

Date

Dated: June 17, 2005

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